

REMARKS

This Amendment is submitted in reply to the Final Office Action dated September 1, 2009. Applicant respectfully requests reconsideration and further examination of the patent application pursuant to 37 C.F.R. § 1.113.

Summary of the Examiner's rejections

Claims 30-58 stand rejected under 35 U.S.C. 102(b) as being anticipated by McCanne (US 6,415,323).

Remarks regarding the §102(b) rejections

Applicant respectfully submits that the pending independent claim 30 is not anticipated by McCanne. The pending independent claim 30 recites the following:

30. A method for routing in a telecommunications system a service request related to a service, comprising the steps of:
receiving in a communication server entity a service request containing a service identifier which identifies said service;
obtaining addressing information related to said service identifier;
routing said service request using said addressing information; and,
checking a usage rule which grants the usage of said addressing information, wherein the usage rule comprises at least one use condition selected from the group consisting of:
a time condition defining the maximum time gap for using said addressing information from the first time it is used; and,
a maximum usage condition defining the number of times said addressing information can be used;
wherein the step of routing said service request is performed if said check is passed (emphasis added).

In the response to the first office action, the Applicant argued that McCanne does not disclose any usage rules or other limitations on restricting the routing of a service request. The usage rules include a time condition defining the maximum time gap for using the addressing information from the first time it is used, and a maximum usage condition defining the number of times the addressing information can be used. The Examiner did not consider these arguments persuasive and presented several different reasons why he/she still considers McCanne to anticipate the claimed invention. These

reasons and the Applicant's rebuttal to these reasons are discussed next in support of the patentability of the claimed invention.

First, the Examiner stated "McCanne teaches load balancing considerations involved in server selection, which include server health parameters like server capacity, anticipated server delay, etc. [McCanne: Col. 12/ lines 7-15]." Applicant submits that McCanne discloses mechanisms that are only related to load distribution among a plurality of equivalent destinations (service nodes, SN). These mechanisms include current traffic load conditions of certain servers, physical proximity, "server health" or refreshing information received from destination server nodes (SN) which are used to determine their individual availability (e.g. D1: col 5 line 9-15; col 6 line 21-24; col 12 line 7-15-cited; col 12 line 25-34; col 12 line 62-64 ; col 13 line 18-20). None of these mechanisms disclose, explicit or implicitly, the "usage rule" content conditions recited in the pending claim 30.

Second, the Examiner stated "For a maximum usage condition, McCanne teaches how ARNs must determine which service nodes are available and are not overloaded [McCanne: Col. 12/ lines 62-64]." Applicant agrees that the cited quotation discloses where an ARN determines which service nodes are available and not overloaded. However, determining the availability status or the overloading situation of a node, and limiting -by checking against a predefined threshold- the number of times a certain addressing information has been used to route a service request to node(s), are different conditions. The reason is that a certain node can be overloaded or unavailable due to e.g. maintenance status, total or partial power down of its processing resources, partial or total failure on its communication link(s), etc. Further, the node can also be overloaded due to signaling associated with other addressing information. In any case, McCanne discloses determining the availability of service nodes (SNs) by interacting with the service nodes so as to ascertain information about their status (see e.g. col. 12 line 62 col. 13 line 20), and this is not the maximum usage condition recited in pending claim 30.

Moreover, as opposed to pending claim 30, McCanne does not disclose the **blocking/granting** the routing of a service request to a service node, but merely performs **alternative routing** of the service request to an equivalent destination (SN) among a plurality of equivalent destinations (see e.g. abstract, embodiments described with reference to FIGS. 3 or 4). Therefore, determining whether a destination node is available or overloaded for deciding on routing a service request to it, and then searching for an alternative equivalent destination, is **clearly not** the claimed checking step of claim 30, which involves checking, against a predefined threshold, the number of times a certain addressing information has been used for routing service requests.

Thirdly, the Examiner stated "McCanne teaches the functional equivalent of a time-out condition, where ARNs time out a SN entry that was not refreshed [McCanne:Col. 13/ lines 18-20]." Applicant submits that the cited quotation in McCanne and the time related condition of claim 30 are not functionally equivalent since they **perform different functions**. McCanne's periodical address refreshing mechanism is usable in a routing control that needs to receive information from service nodes (SNs) to track the availability of those service nodes (SNs). In contrast, the time gap of claim 30 is not conditioned at all by any information received from a SN (e.g. refreshing info); instead, it depends on the time a certain addressing information was first used for routing a service request (e.g. to a SN). In summary, the time related features of McCanne are only usable to determine periodically the availability status of a certain destination (service node, SN), but are not usable to define a time gap as recited in the pending claim 30.

Furthermore, the **time start/stop conditions are different** between McCanne and the pending claim 30. McCanne's cited quotation implies starting a timer when a refresh is received from a SN, and re-starting the timer when subsequent refreshes are received from the SN (e.g.: McCanne: col. 13 lines 18-20-cited- and 51-53). In contrast, the time feature of claim 30 implies starting a timer the first time a certain

routing information (e.g. addressing a SN) is used for routing, and unconditionally stopping it after a predefined time gap has elapsed; thereby preventing any subsequent routing of a service request using the routing information. Namely, in claim 30 a timer is not stopped or re-started by any information received from the destination (e.g. SN) of a service request. Thus, it is submitted that, if a claimed time related feature: (1) performs a different function than in the prior-art, and (2) the time starts and stops based on different conditions than in the prior-art; then the claimed time related feature is a novel feature. This is indeed the case of the time related features disclosed by McCanne versus the time related features recited in the pending claim 30. In view of at least the foregoing, Applicant submits that the aforementioned substantial differences between the pending claim 30 and McCanne are indicative of the patentability of the pending independent claim 1 and the corresponding dependent claims 31-41.

Applicant respectfully submits that the pending independent claims 42, 50, 56, 57 and 58 are also patentable in view of McCanne. The independent claims 42, 50, 56, 57 and 58 recite the same or similar distinguishing limitations that have been discussed above with respect to independent claim 30. As such, the aforementioned remarks regarding the patentability of independent claim 30 apply as well to independent claims 42, 50, 56, 57 and 58. Accordingly, Applicant respectfully requests the allowance of independent claims 42, 50, 56, 57 and 58 and the corresponding dependent claims 43-49 and 51-55.

CONCLUSION

In view of the foregoing remarks, Applicant believes all of the claims currently pending in the application to be in a condition for allowance. Therefore, Applicant respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for pending claims 30-58.

The Commissioner is hereby authorized to charge any fees for this paper to Deposit Account No. 50-1379.

Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

/William J. Tucker, Reg No 41356/

By William J. Tucker
Registration No. 41,356

Date: October 29, 2009

Ericsson Inc.
6300 Legacy Drive, M/S EVR 1-C-11
Plano, Texas 75024

(972) 583-2608 or (214) 324-7280
william.tucker@ericsson.com